

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

ORDER

ANTHONY ZOTTOLA, SR.,

18-CR-609-10 (RJD)

Defendant.

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DEARIE, District Judge

By letter dated January 28, 2022 (ECF No. 298), counsel for defendant Anthony Zottola urges me to reconsider releasing his client on bail with substantial conditions pending trial in the coming summer. I do not hesitate to consider the defense proposal given the unavoidable delays and the trying circumstances occasioned by the COVID-19 pandemic, the real challenges to the defense as trial approaches, and, importantly, the impact of his ongoing detention on his wife and children.

The application comes in the wake of the decision by the Department of Justice not to pursue the death penalty against Mr. Zottola and his co-defendants in this murder-for-hire prosecution. While there has been a very significant change in circumstances for Mr. Zottola in light of the government's decision, I am unable to conclude that bail is appropriate.

The extraordinarily grave charges and the government's proffered evidence simply do not permit the Court to alter its findings that Mr. Zottola poses an obvious risk of flight and danger to the community. While the circumstances have changed for the better for Mr. Zottola, as counsel strongly argues, the realistic prospect of a sentence of life without parole following conviction after trial makes it impossible to alter the Court's earlier findings and order. The application is denied.

SO ORDERED.

Dated: Brooklyn, New York
March 15, 2022

/s/ Raymond J. Dearie
RAYMOND J. DEARIE
United States District Judge